

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION	)	
OF DELMARVA POWER & LIGHT COMPANY,	)	
EXELON CORORPATION, PEPCO HOLDINGS	)	PSC DOCKET NO. 14-193
INC., PURPLE ACQUISITION CORPORATION,	)	
EXELON ENERGY DELIVERY COMPANY, LLC	)	
AND SPECIAL PURPOSE ENTITY, LLC	)	
FOR APPROVALS UNDER THE PROVISIONS	)	
OF 26 <i>Del. C.</i> §§ 215 AND 1016	)	
(FILED JUNE 18, 2014)	)	

**INTERVENOR JEREMY FIRESTONE'S MOTION FOR RECONSIDERATION OF  
FIRST MOTION TO COMPEL DISCOVERY**

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*Pro Se*

Intervenor Jeremy Firestone hereby moves for Reconsideration of the Hearing Examiner's Order 8624 regarding my August 21, 2014 Motion to Compel answers to interrogatories and production of documents.

**Background**

1. On September 8, 2014, I received actual notice that the Hearing Examiner had on August 27, 2014, issued Order 8624 during a Scheduling Conference Status Conference regarding the above-referenced matter.
2. I did not receive notice from Delafile at the time the Order was issued and filed. This is perhaps not surprising given that the day before on August 26, 2014, I received an email from Connie McDowell, attaching Order 8621, and indicating that, "Mr. Lawrence did not realize that the Delafile system was not emailing the parties in this

docket when he filed the Order.” Staff did not provide a similar email notifying the parties of Order 8624.

3. In pertinent part Order 8624 provides in paragraphs 8, 11, and 12.

As to the discovery requests which were either objected to their entirety or objected to with some response-either limited documents or a limited answer were provided - the Joint Applicants' initially objected to all requests as follows: "The Joint Applicants object to this request on grounds that it is overly broad, burdensome, and outside the scope of this intervenor's limited intervention.

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Before addressing the merits of Mr. Firestone's Motion to Compel, however, I want to first briefly address Mr. Firestone's claim that the Joint Applicants' failed to timely file their objections to his discovery requests.

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Mr. Firestone's discovery requests were served on July 31, 2014. According to the revised Procedural Schedule in PSC Order No. 8616, the Applicants were required to file their responses, including objections, on or before August 20. Since the Joint Applicants timely filed their responses to discovery, including objections, on August 20, this is a non-issue.

4. The Scheduling Order (aka Revised Merger Schedule) in this docket, which is attached as Exhibit A to Commission Order 8616 however required that: “If the Applicants have an Objection to any initial discovery request, it must be served within seven (7) calendar days of receipt of the initial discovery request.” See Paragraph 3a, Exhibit A to Order 8616.
5. Because as noted in Order 8624, my discovery request was served on July 31, 2014, the Joint Applicants’ objections had to be filed by August 7, not August 20. Thus any categorical objection had to be filed by August 7.
6. Because the Joint Applicants did not file any objections on August 7, they could not later object to any discovery request in its entirety (or any subparts, which as the Senior Hearing Examiner held are separate interrogatories). Order 8624 is however,

premised (incorrectly) on the notion that the Joint Applicants could do so as late as August 20.

7. Further, the language quoted in paragraph 8 of Order 8624 that "The Joint Applicants object to this request on grounds that it is overly broad, burdensome, and outside the scope of this intervener's limited intervention" is not an "initial objection"; but rather was a specific objection included only in response to interrogatories 14 and 16 and to document production request 1. It thus could not have insulated other responses, even if the Joint Applicants had timely made those objections on August 7.
8. As I also noted in my reply, there were some objections that were not raised even on August 20, but rather only in response to my motion (e.g., those related to interrogatory 9), and thus, they cannot be a basis for the ruling on the my motion.

WHEREFORE, for the reasons set forth above, Jeremy Firestone, pro se, request the Hearing Examiner

1. Reconsider Order 8624
2. Order the Joint Applicants to answer fully each discovery request and produce the withheld documents.
3. Provide that Jeremy Firestone's follow-up discovery may be supplemented within seven (7) calendar days of receipt of compliant responses.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeremy Firestone", with a stylized, cursive script.

Jeremy Firestone  
September 8, 2014

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CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2014, that I caused **INTERVENOR JEREMY FIRESTONE'S MOTION FOR RECONSIDERATION OF FIRST MOTION TO COMPEL DISCOVERY** to be served on all parties on the email service list by email attachment.

Respectfully submitted,



Jeremy Firestone  
8 September 2014